

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-54076

DONNIE VERNON KNIGHT, and  
PHYLLIS KNIGHT,

Chapter 13

Judge Thomas J. Tucker

Debtors.

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**ORDER DISMISSING CASE**

On May 4, 2009 at 12:34 p.m., the Debtors commenced this case by filing a joint voluntary petition for relief under Chapter 13. The next day, Debtors filed "Certificates of Counseling" (Docket # 6), which state that on May 4, 2009 **at 4:11 p.m.**, Debtors received "an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111." The Debtors are not eligible to be debtors in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, **during the 180-day period preceding the date of filing the petition by such individual**, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

(emphasis added). Debtors only received credit counseling *after* their petition was filed. With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain credit counseling *before* filing a bankruptcy petition.

Accordingly,

IT IS ORDERED that this case is DISMISSED.

**Signed on May 28, 2009**

**/s/ Thomas J. Tucker**

**Thomas J. Tucker  
United States Bankruptcy Judge**